

Remarks

This is in response to the Office action dated September 21, 2009.

In response to the 35 U.S.C. 112, 2nd paragraph rejection, claims 4 and 5 each have been amended to eliminate the indefiniteness noted.

Claims 1-3 and 8 were rejected under 35 U.S.C. 102(b) as anticipated by Takeo (US6199695); and claims 9-10 were rejected under 35 U.S.C. 013(a) as being obvious over the combination of Takeo and Bouveret (US5417926).

The arrangement of the present invention has a pipette supported on a slider, which is movable between a first position in which the pipette is contained within the packaging (and is, therefore, protected from damage – these being very fine and delicate instruments) and a second position where the end of the pipette projects beyond the base member and all packaging so as to be freely accessible for removal. It should be noted that the pipette overhangs the end of the slider.

Nothing similar is shown in the prior art.

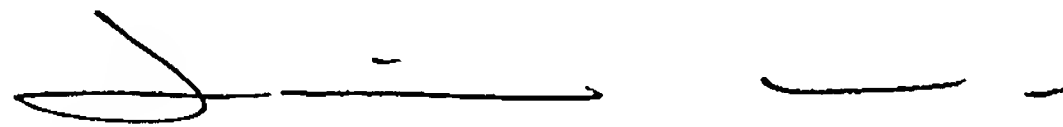
Takeo (US6199695) describes packaging for a dental cleaner. The cleaner 10 is supported on a holder 1 within a case 2. The holder can be slid in or out of the case to enable the cleaner to be removed. It should be noted that the cleaner 10 is always contained within the length of the holder 10, even when this is extended out of the case. At no time does the cleaner 10 project beyond the holder as required by the claims. The amendments to claim 1 to make it clear that, when the slider is in the second position, the pipette projects beyond both the base member and the packaging. In contrast, in the Takeo device, the sliding of the holder does not cause the cleaner to project beyond the holder and packaging but only causes it to project beyond the end of the outer case.

Bouveret (US5417926) describes a fixed support for a pipette so does not in any way suggest that the pipette be contained in packaging that enables it to be slid to a position where an end of the pipette projects from the packaging.

In light of the foregoing, it is believed that the all of the claims are patentable over the cited prior art.

Finally, in light of the examiner's comments in item 8 of the Office Action relating to material prior art, the attention of the examiner is respectfully directed to the documents cited in the International Search Report (ISR) appended to the WO 2005/110603 application, which entered into the United States national stage under PCT filing, and should thus have been considered. Those documents all were identified under the category A, and were therefore deemed by the ISR examiner to be of only general interest. That notwithstanding, to ensure that the documents cited in the ISR are listed on the front page of the patent to issue from this application, attached is an IDS listing those documents not already cited by the examiner. The examiner is requested to separately confirm the opinion of the ISR examiner.

Respectfully submitted,



Louis Woo, RN 31,730
Law Offices of Louis Woo
717 North Fayette Street
Alexandria, VA 22314
(703) 299-4090

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